

ECS File: JPA 91-34
Project: RBM 600-0-504
TRACS No.: 101 L. MA 16 H0797 08C
Section: Scatter Wash
Equestrian Underpass

MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

59076

THIS AGREEMENT is entered into 11 June, 1991, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the City of Phoenix, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter Chapter 2, Section 2 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and had authorized the undersigned to execute this agreement on behalf of the City.

3. The City is planning an equestrian/hiking trail system for the Deer Valley Village as part of a larger trail system in the northwest valley. The need for a suitable equestrian/pedestrian underpass at Scatter Wash and the Agua Fria Freeway (Loop 101) is crucial to a workable trail system in the Village. As a result, the City desires the State to modify construction of one of its reinforced concrete box culverts at Scatter Wash, to accommodate an equestrian crossing. The City will reimburse the State \$63,000.00 for said improvements.

II. SCOPE OF WORK

1. State will:

a. Modify the drainage design plans and specifications for, and construct the western-most barrel of the reinforced concrete box culverts by raising the height from eight (8) feet to nine (9) feet. The State will make other associated roadway design revisions as necessary.

b. Administer the contract and make all payments to the contractor. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to State.

c. Invoice the City \$63,000.00, July 1, 1991, for drainage design modifications and other associated roadway design revisions necessary for requested modifications.

2. City will:

a. Upon receipt of an invoice, reimburse the State \$63,000.00 for drainage design modifications and other associated roadway design revisions necessary for said modifications.

b. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements; provided, however, that this agreement may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon signing by both parties.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Room 222E/616E
Phoenix, Arizona 85007

City of Phoenix
Street Transportation Department
125 East Washington Street
Phoenix, Arizona 85004

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation,
FRANK FAIRBANKS, City Manager

By 
JAMES H. MATTESON, P.E., Director
Street Transportation Department

STATE OF ARIZONA
Department of Transportation

By 
GARY K. ROBINSON
~~Deputy~~ State Engineer

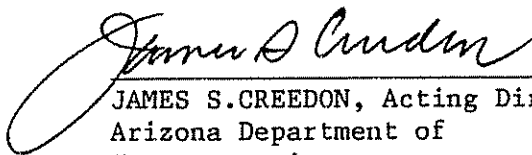
Attest:

By 
City Clerk

RESOLUTION

BE IT RESOLVED on this 15th day of April 1991, that I, JAMES S. CREEDON, as Acting Director of the Arizona Department of Transportation, have determined that it is in the best interest of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix, for the purpose of modifying construction of one of the State's reinforced concrete box culverts at Scatter Wash, to accommodate an equestrian crossing, at the City's expense.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

A handwritten signature in cursive script, reading "James S. Creedon", is written over a horizontal line.

JAMES S. CREEDON, Acting Director
Arizona Department of
Transportation

JPA 91-34

APPROVAL OF THE PHOENIX CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF PHOENIX, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 24 day of May, 1991.

ACTING

City Attorney KTR

1979j

WHITE - CITY ATTORNEY
BLUE - CITY MANAGER
PINK - ACCOUNTS NOTIFICATION
CANARY - DEPARTMENT NOTIFICATION
BUFF - DEPARTMENT FILE COPY

CITY CLERK DEPT

CITY OF PHOENIX, ARIZONA

REQUEST FOR COUNCIL ACTION

ALL RCA'S MUST BE IN THE CITY MANAGER'S OFFICE BY NOON ON THE TUESDAY, SEVEN DAYS BEFORE THE FORMAL CITY COUNCIL MEETING WITH ALL REQUIRED SIGNATURES. COMPLETE THIS FORM PER M.P. 1.906.

1. To the City Manager:

DATE April 25 : 19 91

THE FOLLOWING COUNCIL ACTION IS HEREBY REQUESTED: ☒ ORDINANCE ☐ RESOLUTION ☐ FORMAL ACTION.

AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
WITH ARIZONA DEPARTMENT OF TRANSPORTATION
FOR SCATTER WASH BRIDGE
COUNCIL DISTRICT 2

Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation to pay for the trail underpass at Scatter Wash and the Outer Loop. The cost of the underpass is not to exceed \$63,000 and is available in fiscal year 1991-92 in the Parks, Recreation and Mountain Preserve Bond Program.

City Council conceptually approved this project at its March 26, 1991 meeting. This bears the recommendation of the Parks, Recreation and Library Department Director.

2 Bid Bond (Surety) Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3 Bond submitted by low bidder? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		4 Performance Bond (Surety) Required? \$ _____	
5. SOURCE OF FUNDS: 1988 Parks and Recreation Bonds INDEX CODE SUBJECT PROJECT 9 1 1 6 5 1 4 7 0 2 \$ 63,000 <input checked="" type="checkbox"/> BUDGETED <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINGENCY				12 Recommended by: Department/Function <u>Parks, Rec. & Lib.</u> Division Head Signature <u>James F. Burke</u> Department Head Signature <u>[Signature]</u>	
6 Emergency Clause? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF LESS THAN FIVE COUNCIL MEMBERS ARE PRESENT: <input checked="" type="checkbox"/> CONTINUE ONE WEEK <input type="checkbox"/> ADOPT WITHOUT EMERGENCY CLAUSE		7. Requested by: Phone # James Burke 24997 8 WP Document #: <u>118</u> 9. Desired Agenda Date: May 8, 1991		13 Approved as to availability of funds: MANAGEMENT & BUDGET DIRECTOR 14 Approved: <u>[Signature]</u> CITY MANAGER	
10. Formal contract required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Previous contract # _____		11 Requisition #: _____			
15. Council action taken: Formal action: RESOLUTION NO. _____ ORDINANCE NO. <u>5-20147</u> DATE <u>5/15</u> 19 <u>91</u> CONTRACT NO. <u>59076</u> <u>(11111)</u> <u>F-77660</u>					